

1 CIVIL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE
2 STATE OF LOUISIANA

3 NO. C582129

DIVISION "D"

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MARIA CRUZ MALDONADO

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Individually and as representative of the ESTATE OF ULVALDO SOTO MARTINEZ,
DECEASED, and as Next Friend and Natural Guardian of JUSTIN SOTO-MALDONADO
AND USVALDO JESUS SOTO-MALDONADO,
MINORS, AND GILBERTO SOTO MARTINEZ

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VERSUS

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KIEWIT LOUISIANA CO., MASSMAN CONSTRUCTION CO., TRAYLOR BROS.,
INC., A JOINT VENTURE D/B/A KIEWIT MASSMAN TRAYLOR CONSTRUCTORS
A/K/A KMTC JV, GEC LOUISIANA TIMED MANAGERS, A JOINT VENTURE
PARTNERSHIP, PB AMERICAS, INC. F/K/A/ PARSONS, BRINCKERHOFF, QUADE
& DOUGLAS, INC. AS PARTNER OF GEC LOUISIANA TIMED MANAGERS, A
JOINT VENTURE PARTNERSHIP, LPA GROUP INCORPORATED AS PARTNER OF
GEC LOUISIANA TIMED MANAGERS, A JOINT VENTURE PARTNERSHIP, G.E.C.
INC. AS PARTNER OF GEC LOUISIANA TIMED MANAGERS, A JOINT VENTURE
PARTNERSHIP, ZURICH AMERICAN INSURANCE COMPANY, THE STATE OF
LOUISIANA THROUGH THE DEPARTMENT OF TRANSPORTATION AND
DEVELOPMENT AND JL STEEL REINFORCING, LLC.

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15 UNITED STATES DISTRICT COURT
16 SOUTHERN DISTRICT OF TEXAS
17 HOUSTON DIVISION

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GUADALUPE ARENAS VARGAS,)
Individually and As Representative of the)
Estate of MARTIN ANASTACIO REYES)
OSUNA, Deceased, and As Next Friend of)
ZAID MARTIN REYES ARENAS; JUANA)
SYLVIA OZUNA GARCIA; and MARTIN)
REYES ADAME) C.A. NO. 4:09-CV-02521
)
V.)
)
KIEWIT LOUISIANA CO., MASSMAN)
CONSTRUCTION CO., and TRAYLOR)
BROS., INC., a Joint Venture d/b/a KIEWIT) JURY TRIAL DEMANDED
MASSMAN TRAYLOR CONSTRUCTORS;)
KIEWIT LOUISIANA CO.; MASSMAN)
CONSTRUCTION CO.; and TRAYLOR)

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2 ORAL AND VIDEOTAPED DEPOSITION OF

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4 MICHAEL CHARLES LAPOINTE

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6 FEBRUARY 14, 2011

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8 ORAL AND VIDEOTAPED DEPOSITION OF MICHAEL CHARLES
9 LAPOINTE, produced as a witness at the instance of the
10 Plaintiffs, and duly sworn, was taken in the
11 above-styled and numbered cause on the 14th day of
12 February, 2011, from 9:22 a.m. to 6:59 p.m., before
13 Mary Burkes, CSR in and for the State of Texas,
14 reported by machine shorthand, at the law firm of
15 Deutsch, Kerrigan & Stiles, 755 Magazine Street, Fifth
16 Floor Conference Room, pursuant to Notice, and the
17 Louisiana Rules of Civil Procedure and the provisions
18 stated on the record or attached hereto.

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1 any of your employees express any concerns or
2 reservations relative to the means by -- and procedures
3 associated with the fabrication and installation and
4 lifting of rebar cages?

5 A. No.

6 Q. Okay. Now, as part of the obligations of
7 JL Steel pursuant to the subcontract and primary
8 contract, were you required to maintain all of your
9 work areas and jobsites clean and tidy and things of
10 that nature?

11 A. Yes.

12 Q. Okay. And that included all the extra ties
13 and tie wires and things like that?

14 A. Yes.

15 Q. Have you ever been formally reprimanded by
16 KMTC for failure to maintain a clean jobsite or
17 fabrication site?

18 A. I believe there was a letter early on which
19 constituted a formal reprimand, for one area.

20 Q. Now, when you were originally awarded the
21 subcontract, how long were you -- did you expect
22 JL Steel to be able to perform work on this project?

23 A. Five years.

24 Q. And how long have you been working on the
25 project so far?

1 A. Two and a half years, almost -- it will be
2 three years June. July.

3 Q. And so you've got another two years on the
4 project, at least?

5 A. Yes.

6 Q. Okay. Were the -- were your guys who you
7 brought onto this project aware of the fact that when
8 they started, that they could be here in Louisiana for
9 up to five years?

10 A. Yes.

11 Q. Okay. Now, since JL Steel has been working on
12 this project, has Kiewit executed any subcontract
13 agreements with JL Steel for rebar construction
14 services on other projects here in Louisiana?

15 A. Yes.

16 Q. And what is that?

17 A. The west closure project. That's actually a
18 joint -- a different joint venture partner of Kiewit
19 and Traylor, Gulf Intercoastal, GIC Constructors.

20 Q. And what type of work does JL Steel perform on
21 that project?

22 A. Rebar placement. The actual project is a pump
23 station in a sector gate.

24 Q. And so is it fair to say that this -- the work
25 that is being performed on that project is nearly

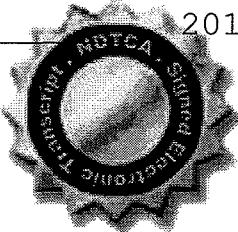
1 THE STATE OF TEXAS)

2 COUNTY OF HARRIS)

3 I, Mary Abbott Burkes, Certified Shorthand
4 Reporter, duly commissioned and qualified in and for
5 the State of Texas, do hereby certify that there came
6 before me on February 14th, 2011, at Deutsch, Kerrigan
7 & Stiles, L.L.P., 755 Magazine Street, New Orleans,
8 Louisiana 70130, the following named person; to wit,
9 MICHAEL CHARLES LAPOINTE, who was by me duly cautioned
10 and sworn to testify to the truth and nothing but the
11 truth of his knowledge touching and concerning the
12 matters in this cause; and that said witness was
13 thereupon carefully examined upon his oath and his
14 examination reduced to writing under my supervision;
15 that it is a true record of the testimony given by the
16 said witness, that said witness requested review and
17 signature of the deposition; that changes, if any, made
18 by the witness were returned and are contained on the
19 Correction Page attached to the original transcript.

20 I further certify that I am neither attorney
21 for nor counsel for, nor related to nor employed by any
22 of the parties in the action in which this statement is
23 taken, and further that I am not a relative or employee
24 of any attorney or counsel employed by the parties
25 hereto, nor financially interested in this action.

1 IN WITNESS WHEREOF, I have hereunto affixed my
2 hand and seal of office on this, the _____ day
3 of _____ 2011.



Mary Abbott Burkes

6 Mary Abbott Burkes,
7 Certified Shorthand Reporter
8 In and for the State of Texas
9 Certification No. 5199

10 Worldwide Court Reporters
11 Firm Registration No. 223
12 3000 Weslayan, Suite 235
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